## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS INVESTMENT LITIGATION	MDL-1586 Civil No. 04-MD-15864 (Judge J. Frederick Motz)
(In re INVESCO Subtrack)	
L. SCOTT KARLIN, et al., Derivatively On Behalf of the Mutual Funds, Trusts and Corporations Comprising the INVESCO and AIM Family of Funds,	Case No. 04-cv-819
Plaintiffs,	
v.	
AMVESCAP PLC, et al.,	
Defendants.	

## [PROPOSED] ORDER

For the reasons stated in the Fund Derivative opinion entered on August 25, 2005 in the Janus Subtrack, and for the reasons stated in the Court's letter ruling issued on November 3, 2005 upon the motions to dismiss the above-captioned consolidated amended fund derivative complaint, it is, this \_\_day of \_\_\_\_\_, 2006

## **ORDERED**

Defendants' motion to dismiss is granted in part and denied in part; 1.

- 2. The motion is denied as to the claim asserted under Section 36(b) of the Investment Company Act in Count I against defendants INVESCO Funds Group, Inc., AIM Advisors, Inc., INVESCO Institutional (N.A.) Inc., INVESCO Assets Management Ltd., INVESCO Global Assets Management (N.A.), Fund Management Company, INVESCO Distributors, Inc. and AIM Distributors, Inc.;
- 3. The motion is denied without prejudice as to claims asserted under Section 48(a) of the Investment Company Act;
- 4. The motion is granted as to the remaining federal and state claims, and those claims are dismissed without leave to amend.

J. Frederick Motz United States District Judge